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Nixon has violated ban, Symington tells secret Laos session

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WASHINGTON—Behind barred doors, Sen. Stuart Symington (Dem.), Missouri, told a rare, 3-hour-and-22-minute secret session of the Senate Monday that President Nixon has violated a congressional ban against U.S. financing of foreign mercenary troops fighting for the government of Laos.

Symington, who said he wants the Senate to know all the details of "the secret war" in Laos before voting any more funds for it, was quoted by senators present as saying that the administration wants \$374 million next year for Laotian economic and military assistance.

THIS INCLUDES \$120 million for financing a covert CIA military operation in northern Laos which arms some 32,000 Meo and other tribesmen and now is making use of some 4,800 troops recruited in Thailand.

Symington, Clifford P. Case (Rep.), New Jersey, and J. W. Fulbright (Dem.), Arkansas, among others who have urged the administration to make public the details of this nation's Laotian involvement, stressed that the figures cited in the closed Senate session were exclusive of the cost of B52 and other air raids in Laos being conducted by U.S. plants

flying from Thailand, South Vietnam, other bases and carriers.

Fulbright said after the session that his staff calculates the cost of bombs alone for such raids at the rate of \$500 million a year. Other Senate sources said this figure was probably low and said the total cost of bombing and air activity conducted by the U.S. over Laos might actually be up to \$2 billion a year. Their reasoning:

Testimony before Symington's subcommittee on U.S. security agreements and commitments abroad disclosed that the bomb load of planes smaller than the B52 cost an average of \$3,190 per sortie. With 10,000 or more sorties a month being flown over Laos, north and south, and with larger-load B52s now in use, the bomb and flight cost is at between \$1 billion and \$2 billion a year.

ONE SENATOR who was present said Symington, after charging that the administration was violating a 1970 congressional ban on the hiring of mercenaries to fight for the government of Laos, angrily asserted that "he wouldn't be in the Senate if it wrote laws that anyone could flout, including the President."

"Case was very effective also, he made an emotional plea to bring this thing out in the open, find ways to end the war not enlarge it," a senator who was there reported.

Symington told reporters later that he plans to introduce an amendment to the defense procurement authorization bill, when it reaches the Senate floor, holding economic, military and CIA aid to \$200 million. He said the amendment, however, would not bar added expenditures for bombing the Ho Chi Minh trails in Southern Laos to intercept the flow of North Vietnamese men and supplies to South Vietnam.

A key issue in the debate and in a later long-range exchange between senators and the State Department was whether the use of CIA funds to hire Thais to fight on behalf of the Laotian government violates the 1970 Fulbright amendment. This is a provision of the defense appropriation bill signed into law Jan. 11, 1971, after a furious battle between the Senate and the House.

THE PROVISION bars the use of defense funds to support "free world forces" in actions "designed to provide military support and assistance to the government of Cambodia or Laos," but specifies that it shouldn't bar the President from taking actions needed "to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

Symington told the Senate and then reporters, "My personal opinion is . . . that the law has been contravened."

"The amendment said you couldn't spend money to train and put people of foreign governments into Laos or into Cambodia."

Fulbright, too, told reporters later he thinks the law has been violated.

Minority Whip Robert P. Griffin (Rep.), Michigan, reportedly defended the financing of Thais as proper and within the law. Earlier, Charles Bray, official State Department spokesman, acknowledged publicly for the first time that the United States is financing Thai troops to fight in northern Laos.

CONTENDING THE actions were "fully consistent with all pertinent legislation," Bray said that the financing was first authorized by President Kennedy and that "the volunteers are in Laos at the request of the prime minister," Souvanna Phouma.

Case said, "At the time the Fulbright amendment was passed, I was not aware of the Thai mercenaries or the B52 raids." He added, "Our assent wasn't to these activities but to interdiction of Ho Chi Minh trails."

Jacob K. Javits (Rep.), New York, told reporters the basic question being raised was, "is this a new war, or is it really connected with withdrawal from Vietnam?"

State Department sources said later that the Thais being used were not recruited on a government-to-government basis but were individuals recruited from the borderside Thai population.